



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

July 7, 2016

Mr. Randy Breault, P.E.
Director of Public Works
City of Brisbane
50 Park Place
Brisbane, CA 94005-1310

**CITATION NO. 02-17-16C-022
DISINFECTION BYPRODUCTS MAXIMUM CONTAMINANT LEVEL VIOLATION
CITY OF BRISBANE, WATER SYSTEM NO. 4110002**

Dear Mr. Breault:

Enclosed is a citation issued to the City of Brisbane (hereafter, Water System or City). The citation is issued as the Water System failed to comply with Section 64533(a) of the Disinfectants and Disinfection Byproducts Rule (D/DBPR), Chapter 15.5, Title 22, California Code of Regulations (CCR). The drinking water provided by the Water System to its users exceeded the maximum contaminant level for Haloacetic Acids (Five) (HAA5) in the second quarter of 2016.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

Enclosures: Sample Notice (Attachment A)
Proof of Notification form (Attachment B)

Certified Mail 7015 1730 0000 9907 7305

cc: San Mateo County Environmental Health Department (E-mailed to Greg Smith)

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: City of Brisbane
Water System No. 4110002
50 Park Place
Brisbane, CA 94005-1310

ATTN: Mr. Randy Breault, P.E.
Director of Public Works
City of Brisbane

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,

SECTION 64533(a) – WATER SYSTEM NO. 4110002

CITATION NO. 02_17_16C_022

Issued on July 7, 2016

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.



1 The State Water Resources Control Board, acting by and through its Division of Drinking
2 Water (hereinafter "Division" or "DDW") and the Deputy Director for the Division (hereinafter
3 "Deputy Director"), hereby issues a citation to the City of Brisbane (hereinafter, "City" or
4 "Water System") (mailing address: 50 Park Place, Brisbane, CA) for violation of California
5 Code of Regulations (CCR), Title 22, Section 64533 subsection (a).

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8 **APPLICABLE AUTHORITIES**

9 **Section 116650 of California Health and Safety Code provides:**

10
11 (a) If the department determines that a public water system is in violation of
12 this chapter or any regulation, permit, standard, citation, or order issued or adopted
13 thereunder, the department may issue a citation to the public water system. The citation shall
14 be served upon the public water system personally or by certified mail. Service shall be
15 deemed effective as of the date of personal service or the date of receipt of the certified mail.
16 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the
17 date of service shall be deemed to be the date of mailing.

18 (b) Each citation shall be in writing and shall describe the nature of the
19 violation or violations, including a reference to the statutory provision, standard, order,
20 citation, permit, or regulation alleged to have been violated.

21 (c) A citation may specify a date for elimination or correction of the condition
22 constituting the violation.

23 (d) A citation may include the assessment of a penalty as specified in
24 subdivision (e).
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1 (e) The department may assess a penalty in an amount not to exceed one
2 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day
3 that a violation continues to occur. A separate penalty may be assessed for each violation.
4

5
6 **California Code of Regulations, Title 22, Section 64533 subsection (a) provides, in**
7 **relevant part:**
8

9 A public water system shall not exceed 0.060 mg/L for Haloacetic Acids (Five) (HAA5) in the
10 drinking water supplied to the public, based on a locational running annual arithmetic average
11 (LRAA). The LRAA is determined by computing the arithmetic average of the last four
12 quarterly samples at each monitoring location.
13

14 15 **STATEMENT OF FACTS** 16

17 The City of Brisbane is a community water system that serves domestic water to 1,272
18 service connections, consisting of approximately 3,178 persons (2015 Annual Report to the
19 Drinking Water Program). The City's potable water supply consists of chloraminated water
20 supplied through five turnouts off the San Francisco Public Utilities Commission's (SFPUC)
21 Crystal Springs #1 and #2 Pipelines. The system is composed of four pressure zones.
22

23 In accordance with the Disinfectants and Disinfection Byproducts Rule (D/DBPR), the City,
24 based on its population and the delivery of treated surface water, is required to collect two (2)
25 samples. They are collected at Site 1 (aka End of Harold Road; Primary Station Code (PSC)
26 No. 4110002-901) and Site 2 (aka 240 Trinity Road; PSC No. 4110002-900), on a quarterly
27 basis for Total Trihalomethanes (TTHMs) and Haloacetic Acids (Five) (HAA5) in accordance
with the Department-approved D/DBPR monitoring plan dated December 12, 2006. The



results of the City's HAA5 sampling for the last four quarters are as follows:

	Site 1 (aka end of Harold Road)		Site 2 (aka 240 Trinity Road)	
Quarter	HAA5 Concentration [mg/L]	HAA5 LRAA [mg/L]	HAA5 Concentration [mg/L]	HAA5 LRAA [mg/L]
2015, Third Quarter	0.0293	0.0322	0.0674	0.0412
2015, Fourth Quarter	0.0323	0.0305	0.0282	0.0385
2016, First Quarter	0.0650	0.0388	0.0621	0.0460
2016, Second Quarter	0.0727	0.0499	0.0883	0.0615

The LRAA for HAA5 at the 240 Trinity Road sampling location in the second quarter of 2016 exceeded the Maximum Contaminant Level (MCL) and this has resulted in a violation of the D/DBPR, Chapter 15.5, Title 22, CCR for the second quarter of 2016.

DETERMINATION

The Division has determined that the City failed to comply with the MCL for HAA5 at the 240 Trinity Road sample site for the second quarter monitoring period of April 1, 2016, through June 30, 2016. For a public water system monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCL of 0.060 milligrams per liter (mg/L) for Haloacetic Acids (Five) (HAA5), consisting of Monochloroacetic Acid, Dichloroacetic Acid, Trichloroacetic Acid, Monobromoacetic Acid and Dibromoacetic Acid. The HAA5 LRAA for the second quarter monitoring period of April 1, 2016, through June 30, 2016, was 0.0615 mg/L at the 240 Trinity sample site.



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3 **DIRECTIVES**

4 The City is hereby directed to take the following actions:

5 1) Forthwith, the City shall cease and desist from failing to comply with the MCL for
6 Haloacetic Acids (Five) (HAA5).

7
8 2) The City shall conduct public notification for the HAA5 MCL violation in conformance with
9 Section 64463.4, Chapter 15.5, Title 22, CCR within thirty (30) days upon receipt of this
10 citation. The notification shall be completed in accordance with each of the following
11 methods:

12 a. Mail or direct delivery to each customer receiving a bill including those that
13 provide their drinking water to others (e.g., schools or school systems, apartment
14 building owners, or large private employers), and other service connections to
15 which water is delivered by the water system; and

16
17 b. Use of one or more of the following methods to reach persons not likely to be
18 reached by a mailing or direct delivery (renters, university students, nursing home
19 patients, prison inmates, etc.):

20 1. Publication in a local newspaper;

21 2. Posting in conspicuous public places served by the water system, or on
22 the Internet; or

23 3. Delivery to community organizations.

24 A sample copy of public notification for your use in notifying the public is enclosed for
25 your reference and use (Attachment A). Division approval of the proposed notice is
26 required prior to performing notification. Complete Attachment B (Proof of Notification
27 form) and return it to the Division by August 15, 2016. The completed Proof of



1 Notification must identify the methods of public notification. A copy of the notice used
2 shall be attached to the Proof of Notification form.

- 3 3) The City shall submit a corrective action plan (CAP) and time schedule to the Division by
4 August 15, 2016 that describes how the City will return to compliance with the HAA5
5 maximum contaminant level. The CAP shall include all steps that will be followed, with
6 deadlines for completion, leading up to full compliance with the disinfection byproducts
7 standard.

8
9 The Division reserves the right to make such modifications to this Citation as it may deem
10 necessary to protect public health and safety. Such modifications may be issued as
11 amendments to this Citation, and shall be deemed effective upon issuance.

12
13 Nothing in this Citation relieves the City of its obligation to meet the requirements of the
14 California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or
15 adopted thereunder.

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18 All submittals required by this Citation shall be submitted to the Division at the following
19 address:

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22
23 Mr. Eric Lacy, P.E., District Engineer
24 Santa Clara District
25 Division of Drinking Water
26 State Water Resources Control Board
27 850 Marina Bay Parkway, Building P, Second Floor
Richmond, CA 94804



PARTIES BOUND

This Citation shall apply to and be binding upon the City, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.


SEVERABILITY

The Directives of this Citation are severable, and the City shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

July 7, 2016
Date


Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

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Attachments

CERTIFIED MAIL # 7015 1730 0000 9907 7305

cc: San Mateo County Environmental Health Department (w/ attachments)

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Haloacetic Acid (Five) (HAA5) MCL Violation at the City of Brisbane

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results from April to June 2016 show that our system exceeds the standard, or maximum contaminant level (MCL) for Haloacetic Acid (Five) (HAA5). The standard for HAA5 is 0.060 milligrams/liter (mg/L). It is determined by calculating the running annual average (RAA) of quarterly averages covering any consecutive four-quarter period. The level of HAA5 averaged at one of our system's designated locations for April to June 2016 was 0.0615 mg/L.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours. HAA5 are five haloacetic acid compounds which form when disinfectants react with natural organic matter in the water.

People who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

What is being done?

[Describe corrective action.] We anticipate resolving the problem within [estimated time frame] (or the problem was resolved on [give date]).

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by the City of Brisbane.

State Water System ID#: 4110002

Date distributed: _____.

PROOF OF NOTIFICATION**Citation Number 02-17-16C-022**

City of Brisbane
 System Number: 4110002

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the City of Brisbane of the violations of Title 22, California Code of Regulations (CCR) for the second quarter of 2016. I complied with the directives of this citation as indicated below:

Required ActionDate Completed

Conduct Public Notification by Mail or direct delivery AND
 1) Publication in a local newspaper, 2) Posting in
 conspicuous public places served by the water system or
 on the internet OR 3) Delivery to community organizations.
 (Attach copy of the notice.)

Submit Corrective Action Plan and Schedule

 Signature of Water System Representative

 Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION. A COPY
 OF THE POSTED NOTICE MUST BE ATTACHED TO THIS FORM.**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.